

EXHIBIT 4

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Document:Marion Worth v. Sam's Club, Inc; 2001 Jury Verdicts L...

**Marion Worth v. Sam's Club, Inc; 2001 Jury Verdicts LEXIS
54308**

1:99-cv-10344

August 23, 2001

Headline: Falldown - Sam's Club - Aisleway Roping

Published Date: March 13, 2011

Topic: Premises - Falldown

State: Michigan

Court: Wayne County, United States District Court, Bay City

Plaintiff Counsel

Michael J. Forster ▼

Address: Saginaw, MI

Plaintiff Name: (Marion Worth ▼)

James A. Brisbois ▼

Address: Saginaw, MI

Plaintiff Name: (Marion Worth ▼)

Defendant Counsel

Robert P. George ▼

Address: Detroit, MI

Defendant Name: (Sam's Club, Inc.)

Judge: David M. Lawson ▼

Case Summary

Plaintiff was a patron at Defendant Sam's Club. She alleged that a rope used to partition off an aisleway was left in a position low to the floor which snagged her foot and caused her to fall. She suffered several **fractures** and a knee injury diagnosed 10 months after the

incident. Defendant did not contest liability.

Plaintiff alleged that: (1) defendant failed to maintain a safe premises for patrons; (2) defendant knew or should have known the rope was hanging too low; and (3) she suffered serious injuries as a result of her fall, including a torn meniscus. Further, that there was no intervening event which would have caused the torn meniscus.

Defendant contended that: (1) the rope was open and obvious; (2) plaintiff should have seen it; and (3) plaintiff's torn meniscus was unrelated, but if it was, plaintiff exaggerated her condition.

Plaintiff was a 50 year old married female who was an X-ray technician.

Injury Text:

Fractured left **ankle** and **fractured** left elbow which did not require surgery. Plaintiff also claimed a torn meniscus (knee) diagnosed 10 months after the fall which required arthroscopic surgery. She claimed continuing arthritic problems.

Jury Deliberation

3.0 hours

Insurer:

Sam's Club Self-insured

Plaintiff Expert(s)

Brian McCardel, M.D. ▼

Address: E. Lansing, MI

Specialty: Orthopedics

Sean Hobson, M.D.

Address: Grand Blanc, MI

Specialty: Orthopedics

Award: \$ 206,000

Award Details: \$206,000



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JAS

Content Type: Jury Verdicts and Settlements

Terms: (fractured and ankle)

Narrow By: Sources: 6th Cir.; Jury Verdicts and Settlements

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Henegar v. N & D Properties; 2014 Dolan Media Jury Verdicts
LEXIS 7686

12-008597-NO

May 1, 2014

Title: Woman claimed injuries from fall in hole

Published: May 1, 2014

Topic: Premises liability

Result: \$ 200,000

Award: \$ 200000

Injury: Fractured ankle

State: Michigan

Court: Wayne County Circuit Court

Judge: Robert L. Ziolkowski ▼

Plaintiff Counsel

Howard J. Radner ▼

Defendant Counsel

Richard E. Moblo ▼

Case Summary

Plaintiff Starlina Marie Henegar claimed she fell in a concealed hole in defendant's field next to the defendant's apartment buildings.

Defendant argued alternatively that the hole was open and obvious or that there was no hole and plaintiff fell in a park.

A Wayne County jury awarded plaintiff \$ 68,000 in past economic damages; \$ 100,000 in past noneconomic damages; and \$ 32,000 in future noneconomic damages.

Judge Robert L. Ziolkowski ▼ reduced future noneconomic damages to present cash value and added statutory interest for a total judgment of \$ 200,041, as of May 1, 2014.

Tried before: Jury

Demand: \$ 225,000

Highest offer: \$ 1,500

Verdict amount: \$ 200,000

Case evaluation: \$ 225,000

Special damages: Medical bills, wage loss

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Insurance: Farm Bureau

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Verdicts and Settlements

Content Type: Jury Verdicts and Settlements

Terms: "fractured ankle"

Narrow By: Sources: MI; Jury Verdicts and Settlements

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